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Attorneys for Defendant/Counter-Claimant
LENNOX INTERNATIONAL INC./
LENNOX INDUSTRIES INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

T&M SOLAR AND AIR
CONDITIONING INC., a California
Corporation, JEREMY AND SABRINA
NEWBERRY, ANDREW AND MAITHO
HAYZEL CHAN,

Plaintiffs,

v.

LENNOX INTERNATIONAL INC., and
DOES 1 through 20, inclusive,

Defendants.

LENNOX INDUSTRIES INC.,

Counter-Claimant,

v.

T&M SOLAR AND AIR
CONDITIONING INC., a California
Corporation, and TAKAYUKI
YOSHIHAMA, an individual,

Counter-Defendants.

CASE NO. 3:14-cv-05318-JSC

**STIPULATED REQUEST FOR ORDER
CHANGING DATES AND DEADLINES IN
THE PRETRIAL ORDER NO. 1;
DECLARATION OF MATTHEW J.
WEBER; ~~PROPOSED~~ ORDER**

Pursuant to U.S. District Court, Northern District of California, Local Rules 6-1(b), 6-2,
and 7-12, Defendant and Counter-Claimant LENNOX INDUSTRIES INC. ("Lennox"), Plaintiff

1 and Counter-Defendant T&M SOLAR AND AIR CONDITIONING INC., Plaintiffs JEREMY
 2 AND SABRINA NEWBERRY and ANDREW AND MAITHO HAYZEL CHAN, and Counter-
 3 Defendant Takayuki Yoshihama (collectively referred to as “Parties”) enter this stipulated request
 4 for an extension of certain dates and deadlines in the Pretrial Order No. 1, entered by this Court
 5 on July 10, 2015, by thirty (30) days.

6 As explained in the Declaration of Matthew J. Weber, due to conflicting schedules of
 7 counsel for the Parties, the Parties have been unable to schedule a number of key depositions
 8 prior to the currently-scheduled February 12, 2016 fact discovery cut-off. However, the Parties
 9 have agreed to schedule these depositions on dates prior to the end of February 2016, if this Court
 10 approves of the Parties’ request. In particular, the Parties currently have depositions scheduled
 11 for February 9, 12, 15, 24, and 26, 2016. Accordingly, a 30-day extension of certain dates and
 12 deadlines in the Pretrial Order No. 1 will ensure that the Parties are able to conduct the discovery
 13 necessary to this action.

14 In particular, the Parties hereby request that this Court extend certain dates and deadlines
 15 contained in the Pretrial Order No. 1 by thirty (30) days as follows:

- 16 • Fact Discovery Cut-Off: March 14, 2016
- 17 • Expert Witness Disclosures: March 21, 2016
- 18 • Rebuttal Expert Witness Disclosures: April 18, 2016
- 19 • Further Case Management Conference: April 14, 2016 at 1:30 p.m.
- 20 • Expert Discovery Cutoff: May 16, 2016
- 21 • Deadline for Hearing Dispositive Motions: June 20, 2016

22 The Court has not previously altered the dates contained in the Pretrial Order No. 1. The
 23 Court has previously made the following time modifications in this case:

- 24 • The Court continued the initial case management conference from March 6, 2015
 25 to April 23, 2015, per the stipulated request of the Parties (Docket No. 39).

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- The Court continued the initial case management conference from April 23, 2015 to May 28, 2015, by its own order (Minute Entry on March 19, 2015).
- The Court extended Lennox's deadline to files its response to Plaintiffs' Second Amended Complaint from April 28, 2015 to May 5, 2015, per the stipulated request of the Parties (Docket No. 49).
- The Court continued the initial case management conference from May 28, 2015 to June 11, 2015, by its own order (Docket No. 57).
- The Court continued the initial case management conference from June 11, 2015 to July 9, 2015, by its own order (Docket No. 63).
- The Court continued the date of a settlement conference in this action from December 4, 2015 to January 22, 2016, per the stipulated request of the Parties (Docket No. 77).

SO STIPULATED.

DATED: January 14, 2016

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By: /s/ Matthew J. Weber
 MATTHEW J. WEBER
 Attorneys for Defendant and Counter-Claimant
 LENNOX INDUSTRIES INC.

DATED: January 14, 2016

LAW OFFICE OF RANDY E. THOMAS

By: /s/ Randy E. Thomas
 RANDY E. THOMAS
 Attorneys for Plaintiff/Counter-Defendant T&M
 SOLAR AND AIR CONDITIONING INC.,
 Plaintiffs JEREMY AND SABRINA
 NEWBERRY and ANDREW AND MAITHO
 HAYZEL CHAN, and Counter-Defendant
 Takayuki Yoshihama

DECLARATION OF MATTHEW J. WEBER

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2 1. I am an attorney licensed to practice law in the State of California and am the
3 attorney for Defendant and Counter-Claimant LENNOX INDUSTRIES INC. in the above-
4 referenced action.

5 2. I make this declaration in support of the Parties' Stipulated Request for Order
6 Changing Dates and Deadlines in the Pretrial Order No. 1.

7 3. Due to conflicting schedules of counsel for the Parties, the Parties have been
8 unable to schedule a number of key depositions prior to the currently-scheduled February 12,
9 2016 fact discovery cut-off. However, the Parties have agreed to schedule these depositions on
10 dates prior to the end of February 2016, if this Court approves of the Parties' request. In
11 particular, the Parties currently have depositions scheduled for February 9, 12, 15, 24, and 26,
12 2016. Accordingly, a 30-day extension of certain dates and deadlines in the Pretrial Order No. 1
13 will ensure that the Parties are able to conduct the discovery necessary to this action.

14 4. In particular, the Parties request that this Court extend certain dates and deadlines
15 contained in the Pretrial Order No. 1 by thirty (30) days as follows:

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22 5. The Court has not previously altered the dates contained in the Pretrial Order No.
23 1. The Court has previously made the following time modifications in this case:

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25 2015 to April 23, 2015, per the stipulated request of the Parties (Docket No.
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- The Court continued the date of a settlement conference in this action from December 4, 2015 to January 22, 2016, per the stipulated request of the Parties (Docket No. 77).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of January 2016 in Stockton, California.

/s/ Matthew J. Weber

Matthew J. Weber

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/14/2016

Jacqueline Scott Corley
 HON JACQUELINE SCOTT CORLEY
 UNITED STATES DISTRICT COURT